



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB4052

Introduced 2/28/2005, by Rep. David Reis

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-3.1-1 new

Amends the Criminal Code of 1961. Creates the offense of heinous battery of an unborn child. Defines the offense as intentionally or knowingly without medical legal justification extracting by cutting, severing, mutilating, or otherwise causing by force the unnatural expulsion of an independently viable fetus from the uterus of another living human being. Provides that the penalty is a Class X felony for which a person shall be sentenced to a term of imprisonment of not less than 6 years and not more than 45 years. Exempts from this offense acts that cause bodily harm to an unborn child if those acts were committed during any abortion to which the pregnant woman has consented and acts that were committed pursuant to usual and customary standards of medical practice during diagnostic testing or therapeutic treatment. Effective immediately.

LRB094 05558 RLC 35607 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by adding  
5 Section 12-3.1-1 as follows:

6 (720 ILCS 5/12-3.1-1 new)

7 Sec. 12-3.1-1. Heinous battery of an unborn child.

8 (a) A person commits heinous battery of an unborn child if  
9 he or she intentionally or knowingly without medical legal  
10 justification extracts by cutting, severing, mutilating, or  
11 otherwise causing by force the unnatural expulsion of an  
12 independently viable fetus from the uterus of another living  
13 human being.

14 (b) Heinous battery of an unborn child is a Class X  
15 non-probationable felony for which the person shall be  
16 sentenced to a term of imprisonment of not less than 6 years  
17 and not more than 45 years.

18 (c) For purposes of this Section, "viability" means that  
19 stage of fetal development when the life of an unborn child may  
20 be continued indefinitely outside the womb by natural or  
21 artificial life-supportive systems.

22 (d) This Section does not apply to acts that cause bodily  
23 harm to an unborn child if those acts were committed during any  
24 abortion, as defined in Section 2 of the Illinois Abortion Law  
25 of 1975 to which the pregnant woman has consented. This Section  
26 does not apply to acts that were committed pursuant to usual  
27 and customary standards of medical practice during diagnostic  
28 testing or therapeutic treatment.

29 Section 99. Effective date. This Act takes effect upon  
30 becoming law.